REMARKS

Applicants and applicants' attorney express appreciation to the Examiner for the courtesy of the recent interview held on July 9, 2003. The claim amendments made by this paper are consistent with the proposals and discussions presented during the Interview.

In the most recent Office Action, dated April 11, 2003, claims 1-11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Day (U.S. Patent No. 6,429,849) in view of LaRue (U.S. Patent No. 6,477,545) and claims 12-38 were rejected under 35 U.S.C. § 103(a) as being unpatentable over LaRue in view of Folger (U.S. Patent No. 5,337,044).

By this paper, claims 1-2, 6-9, 12, 14, 16-19, 26, 33-34, 36 and 38 have been amended, claims 11 and 13 have been cancelled, and new claim 39 has been added.[1] Accordingly, claims 1-10, 12 and 14-39 are presented for reconsideration, of which claims 1, 12, 19, 26 and 33 are the independent claims at issue.

Claim 1 is generally directed to a method for enabling the synchronization of data between a message server and a message client. As recited, the method includes making changes to data, dividing the change into portions and sending a first notification to a message client, which includes the first portion of the change and a corresponding token. Thereafter, upon receiving the first token back from the client, a second notification is sent to the client that includes the second portion of the change and another corresponding token. If the first token is not received back from the client, however, then the first notification and the second notification are both sent to the client.

[1] It will be appreciated that the claim amendments made herein should not be construed as Applicant acquiescing to the purported teaching and prior art status of the art of record, namely, Day, LaRue and Folger. Accordingly, Applicants reserve the right to further challenge the purported teaching and prior art status of the art of record, at any appropriate time, should it arise.

Claims 12 and 19 are also directed to methods for enabling synchronization of data between a server and a client. Claim 12 recites a method that is performed entirely with non-functional acts and claim 19 recites a correspondingly similar method that includes some functional steps. In these claims, the methods include the transmission of a plurality of notifications to a client over an unreliable communication channel and without requesting or receiving acknowledgement of receipt of the update notifications by the client. Thereafter, the server determines whether the client received the update notifications based on whether all of the tokens included with the notifications are returned by the client. The server then sends a list of tokens corresponding to any notifications that were determined to not be received by the client from which the client can then identify and request. Upon request, the server then sends the requested missing notifications to the client. In this manner, a double redundancy type system is provided for accounting for one or more update notifications that either may or may not be received by the client.

The remaining independent claims 26 and 33, respectively, are directed to a system and computer program product that can be used for implementing the method recited in claim 12.

As discussed during the interview, the pending claims are neither anticipated by nor made obvious by the art of record. In particular, Day, LaRue and Folger fail to neither anticipate or nor make obvious the pending claims, either singly or in combination.

In contrast to the pending claims, Day is directed to a system for updating data volumes stored in storage libraries. Day is primarily focused on determining when an update can be sent in a first instance to a lagging library. The method disclosed in Day teaches that to update a lagging data volume, the token flag corresponding to that data volume must be set to an

"inconsistent" flag status, otherwise the update won't be sent. Once the flag is set to "inconsistent", then the update is sent. (Abstract, Summary).

LaRue is directed to a system for synchronizing databases in which synchronization changes are handled in such a way that the need to re-send them in a subsequent sysnchronization session is minimized, even if a current synchronization is to fail. (Abstract). Contrary to the present invention, LaRue teaches of aborting a synchronization if not all of the sent changes are confirmed as being received. Col. 13, ll. 20-33.

Finally, Folger is directed to a system for remotely controlling a mobile computer. This is performed with the use of tokens that can inform a base computer of a mobile computers location and other information, including file update information and application versions that are present in the system. Folger also teaches of the use of command tokens that can be used to perform reliability checks. These command tokens can be sent, for example, to the remote computer to enable the remote computer to determine what it is missing, if anything.

None of these reference, either alone or in combination, teach the methods, systems and computer program products that are recited in the pending claims. In particular, these references fail to disclose the combination of elements recited in claim 1, including the splitting of changes into discrete portions and sending those changes with corresponding tokens to a client via two update notifications, wherein upon sending a first notification to the client and receiving the associated first token back the second notification is sent, and wherein both notifications are sent to the client when the first token is not returned from the client after the first notification was sent.

The cited references also fail to teach the combination of elements found in the other independent claims, wherein upon sending a plurality of update notifications to a client and

receiving only some of the corresponding tokens back from the client the server determines which update notifications might not have been received by the client and sends a corresponding list of tokens identifying the potentially unreceived update notifications, and wherein the client then sends a request for any missing update notifications that were not received back to the server, which then supplies the requested missing update notifications.

Accordingly, for at least the foregoing reasons, Applicant respectfully submits that the pending claims 1-10, 12 and 14-39 are neither anticipated by nor made obvious by the references of record, either singly or in combination. Therefore, as reflected in the Interview Summary, the proposed claim amendments made by this paper would appear to distinguish the pending claims from the cited references and rejections of record.

In the event that the Examiner finds any remaining impediment to allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 17 day of July, 2003.

Respectfully submitted,

RICK D. NYDEGGER
Registration No. 28,651
JENS C. JENKINS
Registration No. 44,803
Attorneys for Applicant

022913

PATENT TRADEMARK OFFICE

W:\13768\141\DMS0000004385V001.DOC